



Stormwater Division

MEMORANDUM

DATE: July 22, 2014
TO: Michael J. Gillis, Virginia Correctional Enterprises Document Management Services
FROM: Jacob Smith, Stormwater Intern
PO: 110426
RE: Files Approved for Scanning

NAME PDF/SCANNED FILE:		IRONBOUND VILLAGE	
BMP ID OR GEN FILE NUMBER:		OWNER NAME:	
99179		CUTTING EDGE DEVELOPMENT HANKINS FAMILY	
PIN:	N/A	SITE ADDRESS:	N/A
		LEGAL DESCRIPTION:	N/A

MAINTENANCE AGREEMENT IN FILE:	N/A	BOOK/PAGE OR DOCUMENT NO.:	N/A	OTHER DESCRIPTION:	N/A
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BOX NO.:	1	COMMENTS:	AMENDMENT
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Prepared By: Michael Drury
101-C Mounts Bay Road
Williamsburg, VA 23187

PB87/100
We own 20% of facility
040024115

TAX MAP NO.: 3911300001A, 3911300002B, 3911300003, 3911300004, 3911300001B

AMENDMENT OF DECLARATION OF COVENANTS AND RESTRICTIONS

This Amendment, made this 22nd day of September, 2004 by CUTTING EDGE DEVELOPMENT, L.L.C., a Virginia Limited Liability Company, hereinafter "Developer", whose address is 739 Thimble Shoals Boulevard, Newport News, Virginia 23606; GEORGE S. HANKINS, JR. and HOWARD B. HANKINS, hereinafter "Hankins" whose business address is 739 Thimble Shoals Boulevard, Newport News, Virginia 23606; and IRONBOUND VILLAGE ASSOCIATION, a Virginia Corporation, hereinafter "Association", whose address is 739 Thimble Shoals Boulevard, Newport News, Virginia 23606.

WITNESSETH:

WHEREAS, the Developer executed that certain Declaration of Covenants and Restrictions dated February 20, 2002 (the "Declaration") filed and recorded with the Clerk of the Circuit Court for the City of Williamsburg and County of James City on October 23, 2002 as Instrument No. 020024649, and;

WHEREAS, the Developer and Hankins collectively own the parcels of real property located in James City County, Virginia, as more particularly described on "Exhibit A" which is attached hereto and incorporated herein by reference and hereinafter referred to as the "Commercial Properties"; and

WHEREAS, the Commercial Properties are located in the community of Ironbound Village, and will contain office, commercial and related uses; and

WHEREAS, the Developer, Hankins and Association desire to exclude the Commercial Properties from the requirements of the Declaration; and

WHEREAS, the Developer, Hankins and Association desire to amend and supplement the Declaration; and

WHEREAS, the Developer, Hankins and Association have approved certain amendments and supplements to the Declaration in accordance with Article IX, Section 2, of the Declaration;

NOW THEREFORE, the Declaration is hereby amended and supplemented as follows:

1. The Developer, Association and Hankins hereby declare that the Commercial Properties as more particularly described on "Exhibit A" which is attached hereto are hereby excluded from and no longer subject to the rights, privileges, covenants, restrictions, conditions, charges, and liens as set forth in the Declaration. This exclusion shall run with the Commercial Properties and inure to all parties having any right, title, or interest in the Commercial Properties or any portions

1 of 5

✓ 11997110.27 / 3632526.89

✓ 11997027.85 / 3632394.6
5335

✓ 5339
11997096.02 / 362296.12

thereof, and to their successors and assigns.

2. The Developer, Association and Hankins declare that the Commercial Properties as more particularly described on "Exhibit A" which is attached hereto, shall be subject to the covenants, restrictions, conditions, and charges, hereinafter set forth in this Section 2 and shall run with the Commercial Properties and be binding on all parties having any right, title, or interest in the Commercial Properties and be binding on all the properties described in the Declaration, or any portions thereof, and to their successors and assigns.

A. The "Special Parking Area" as designated on that plat entitled "Subdivision Plat, Ironbound Village, Phase II Parcel 2, Being The Property Of Cutting Edge Development, LLC, Berkeley District, James City County, Virginia" dated January 12, 2004, revised June 7, 2004 and June 22, 2004, made by LandMark Design Group, which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 040024115, to which reference is hereby made for a more complete description, and such plat hereinafter referred to as the "Subdivision Plat", shall be for the primary use as parking for the owners of Lots 5 - 11 as identified on the Subdivision Plat (the "Lots"). The owners of the Lots and their guests, tenants and invitees shall have a perpetual, non-exclusive easement for vehicular parking over and across the Special Parking Area and a perpetual, non-exclusive easement of ingress and egress for vehicular and pedestrian traffic from the Lots and the Special Parking Area over and across the portion of the Commercial Properties shown and set out on the Subdivision Plat as "24.00' Ingress- Egress Easement to and from Palmer Lane. Furthermore, the Special Parking Area shall be maintained by the owners of the Commercial Properties to commercially reasonable standards at least consistent with the maintenance of the other parking areas on the Commercial Properties and may be utilized by the owners of the Commercial Properties for public overflow parking between the hours of 8:00 a.m. until 5:00 p.m.

B. The owners of the Commercial Properties may voluntarily or shall be obligated upon request of the Association, to participate in capital improvements to the area identified as "Phase I Parcel A, Recreation Open Space, Document No. 020023322" on the Subdivision Plat, and hereinafter referred to as "Recreation Open Space". Such capital improvements shall be agreed upon by the owners of the Commercial Properties and such obligation shall be extinguished upon the total accumulated expenditure of \$5,000.00 by the owners of the Commercial Properties. Any request by the Association shall be binding upon the owners of the Commercial Properties when the request amount is matched by the Association, and such request is subject to any appropriation restrictions legally imposed upon any owner of the Commercial Properties. The owners of the Commercial Properties and their guests have the right of enjoyment of the Recreation Open Space.

C. The owners of the Commercial Properties shall participate in any capital improvement, of the area designated as "Parcel B, Common Open Space to (HOA) 1.85 ± ac., Stormwater Management Facility" on that plat entitled "Subdivision Plat, Ironbound Village, Phase I, James City County, Berkeley District, Commonwealth of Virginia" dated February 28, 2002, Made by LandMark Design Group, which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 87, at page 100, to which reference

is hereby made for a more complete description, such area shall hereinafter be referred to as "Stormwater Facility". Capital improvement is defined as any reasonable cost of reconstruction, maintenance, repair, or replacement of the Stormwater Facility. The owners of the Commercial Properties, upon agreement on the reasonableness of the cost of the capital improvement shall be obligated to participate by sharing 20% of the capital improvement cost. Such obligation is subject to any appropriation restrictions legally imposed upon any owner of the Commercial Properties.

3. The Developer, Association and Hankins amend and supplement the Declaration by stating that if there are no Class A Members at the time of any action, the rights, duties and obligations of the Class A Members shall reside with the Class B Members, except that Class B Members shall only be entitled to one vote for each Lot owned.

IN WITNESS WHEREOF, the Developer, Hankins, and Association have caused this Amendment to be executed on the day and year first written above.

CUTTING EDGE DEVELOPMENT, L.L.C.

a Virginia Limited Liability Corporation

H. B. Hankins, Inc.

By: 
Managing Member

IRONBOUND VILLAGE ASSOCIATION

a Virginia Corporation

By: 
Title:

GEORGE S. HANKINS, JR.

HOWARD B. HANKINS

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to wit:

The foregoing Agreement was acknowledged before me this 22 day of Sept., 2004,

by Howard B. Hankins, Managing Member of Cutting Edge Development, LLC.

Jamie M. Shaper
Notary Public

My commission expires: 2-28-07
STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg, to wit:

The foregoing Agreement was acknowledged before me this 22 day of Sept., 2004,
by George S. Hankins Jr., as _____ of Ironbound Village Association.

Jamie M. Shaper
Notary Public

My commission expires: 2-28-07

STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg, to wit:

The foregoing Agreement was acknowledged before me this 22 day of Sept., 2004,
by George S. Hankins, Jr.

Jamie M. Shaper
Notary Public

My commission expires: 2-28-07

STATE OF VIRGINIA
CITY/COUNTY OF Williamsburg, to wit:

The foregoing Agreement was acknowledged before me this 22 day of Sept., 2004,
by Howard B. Hankins.

Jamie M. Shaper
Notary Public

My commission expires: 2-28-07

EXHIBIT A

ALL THOSE certain pieces, lots or parcels of land, lying, situate and being in the County of James City, Virginia, shown and set out as : "Phase II, Parcel 1A, 7,116 S.F., 0.1634 acre"; "Phase II, Parcel 1B, 8,867 S.F., 0.2036 acre", "Phase II, Parcel B, 23,664 S.F., 0.5432 acre"; "Phase II, Parcel 3, P.B. 87, Pgs. 40-41"; and "Phase II, Parcel 4, 15,424 S.F., 0.3541 acre" on the plat of subdivision entitled "Ironbound Village Phase II, Being a subdivision of property of Cutting Edge Development, LLC, James City County, Berkeley District, Commonwealth of Virginia" dated 10/15/02, made by LandMark Design Group, which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 89, at pages 3 - 4, as Instrument No. 020030677, to which reference is hereby made for a more complete description.

The parcels are also known as: 5300 Palmer Lane, JCC Tax Parcel No. 3911300001A; 5304 Palmer Lane, JCC Tax Parcel No. 3911300001B; 5324 Palmer Lane, JCC Tax Parcel No. 3911300002B; 5320 Palmer Lane, JCC Tax Parcel No. 3911300003; and 5340 Palmer Lane, JCC Tax Parcel No. 3911300004.

Prepared by:

Michael Drury
101-C Mounts Bay Road
Williamsburg, VA 23187

2 Large/Small Plat(s) Recorded
herein as # 04002415

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 24 Sept. 04
at 11:50 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.
STATE TAX LOCAL TAX ADDITIONAL TAX
\$ — \$ — \$ —
TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy B. Woolridge Clerk